

FILED

June 10, 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: _____ **JP**
DEPUTY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

CARLA VALDEZ,

Plaintiff,

v.

**OFFICER NO. 4 JOHN DOE and
MALEX LOGISTICS LLC D/B/A
MALEX LOGISTICS S.A. DE C.V.,**
Defendants.

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Case No.: **DR:24-CV-00088-EG**

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation (the “Report and Recommendation”) of the Honorable Joseph Cordova, United States Magistrate Judge, entered on June 5, 2025. ECF 5. The Report and Recommendation grants Defendants Officer No. 4 John Doe and Malex Logistics LLC’s Motion to Dismiss for Lack of Jurisdiction, ECF 4, filed on September 24, 2024. ECF 4.

The case was originally removed to this Court from the 63rd District Court, Val Verde County, Texas, on September 3, 2024. ECF 1 at 1, 5–9. Plaintiff Carla Valdez, alleges several common law negligence claims after a vehicle collision between the parties in Ciudad Acuna, Coahuila, Mexico. ECF 5 at 5–6. Since the filing of the Report and Recommendation, no objection has been filed by Valdez.

The Court need not conduct a *de novo* review of the matter. *See* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”). Rather, the Court reviews the Report and Recommendation to determine whether it is erroneous or clearly contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

Upon review, the Court concludes the findings and conclusions within the Report and Recommendation are neither erroneous nor clearly contrary to law. Review of the record shows the Court lacks jurisdiction to hear this matter further. ECF 5–6, 7–8. Additionally, Valdez has yet to seek leave to amend her Complaint, ECF 1 at 5–10, after nearly eight months since its original filing. ECF 5 at 7. As such, the matter may also be dismissed for failure to prosecute.

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation, ECF 5, is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants Officer No. 4 John Doe and Malex Logistics LLC's Motion to Dismiss for Lack of Jurisdiction, ECF 4, is **GRANTED**.

IT IS FURTHER ORDERED that the case is **DISMISSED**, and that the Clerk's Office enter a clerk's judgment closing the case.

SIGNED, this 10 day of June 2025.



ERNEST GONZALEZ
UNITED STATES DISTRICT JUDGE